

CHAPTER 4. BUILDINGS AND CONSTRUCTION

Article 1.	Building Code
Article 2.	Plumbing Code
Article 3.	Electric Code
Article 4.	Gas & Oil Well Permits
Article 5.	Private Swimming Pool Regulations
Article 6.	Private Sewer Systems
Article 7.	House Moving
Article 8.	Mechanical Code
Article 9.	Housing Code
Article 10.	Dangerous Building Code
Article 11.	Fire Code
Article 12.	Electrical Safety Code
Article 13.	Residential Code
Article 14.	Fuel Gas Code

Article 1. Building Code

4-101 ADOPTION OF BUILDING CODE. The International Building Code, 2003 Edition, published by the International Code Council is hereby adopted by reference as the Building Code of the City of Gardner, Kansas, and not less than three (3) copies of last edition of said code, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Building Code" shall mean the International Building Code, 2003 Edition published by the International Code Council along with the Western Wood Products Association, Western Lumber Span Tables for Floor, Ceiling Joists and Roof Rafters. (Ord. 2087, Sec. 1)

4-102 AMENDMENTS TO THE CODE. The "Building Code", as adopted by Section 4-101 is hereby amended and changed to read as follows:

102.1 Section 105.1.3 is hereby amended to read as follows:

County License Required: All persons undertaking work which requires a permit as provided in Chapter 4, or seeking to obtain that permit from the City, except for permits for Gas and Oil Wells – Article 4, House Moving – Article 9, the construction of decks and fences, the owner-occupant of one and two family structures, and other ancillary structures as determined by the Building Official, are required to have a current valid Johnson County contractors license.

(Ord. 2087, Sec. 1)

102.2 Section 112 is hereby amended to read as follows:

Board of Appeals

- (a) Organization and Members: In order to determine the suitability of alternate material and types of construction and to provide for reasonable interpretations of the provisions of this Building Code, Mechanical Code, Plumbing Code, and Electrical Codes, there shall be and is hereby created a Board of Appeals, consisting of five (5) members, appointed by the Mayor with the consent of the City Council, who are qualified by experience and training to pass upon matters pertaining to construction. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.
- (b) Rules, Meetings and Records: The Board shall adopt rules to govern its proceedings in accordance with the provisions of this code.
- (c) Appeals: Any person whose application for a building permit for the use of an alternate material or type of construction has been refused by the building official, or who may consider that the provisions of this building code or the mechanical, plumbing, and electric codes do not cover the point raised, or that any particular provisions would cause a manifest injury to be done may appeal to the Board of Appeals by serving written notice on the building official in which it shall be stated that the applicant desiring to use the alternate materials or types of construction shall guarantee payment of all expenses for necessary tests made or ordered by the Board of Appeals. Such notice shall be at once transmitted to the Board, which Board shall arrange a hearing on the particular point raised. The Board shall meet upon notice of the chairman within fourteen (14) days of the filing of an appeal. It shall be the responsibility of the applicant to notify other interested parties they would like present at the meeting.
- (d) Authority of Board: The Board of Appeals shall interpret the provisions of this Code to cover a special case if it appears that the provisions of this Code or the plumbing, mechanical, or electric codes do not definitely cover the point raised or that a manifest injustice might be done. The decision of the Board shall be by majority vote provided that a quorum is present and if not permitted by this building code shall become effective only when authorized by an amendment to this Code or the mechanical, plumbing or electric codes whichever is applicable.

(Ord. 2087, Sec. 1)

102.3 Section 113 is hereby amended to read as follows:

Violations:

- (a) Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, use, maintain, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any provisions of this code.
- (b) Notice of Violation: The building official is authorized to serve a notice of violation or order on the person or owner responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of the code. Such order or notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (c) Penalties: The violation of any provision of this code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense; and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.

(Ord. 2087, Sec. 1)

102.4 Section 105.2 is hereby amended to read as follows:

Work Exempt from Permit

Exemptions from permit requirement of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Permits shall not be required for the following:

- (a) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet.
- (b) Oil derricks.

- (c) Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
- (d) Water tank supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- (e) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- (f) Temporary motion picture, television and theater stage sets and scenery.
- (g) Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than thirty-six (36) inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- (h) Swings and other playground equipment accessory to one and two family dwellings.
- (i) Window awnings supported by an exterior wall of Group-3, as applicable in Section 101.2, and Group U occupancies.
- (j) Moveable cases, counters and partitions not over five (5) feet nine (9) inches in height.

(Ord. 2087, Sec. 1)

102.5 Section 106.2.2 is hereby added to read as follows:

Documents: All building permits shall be accompanied by 3 complete sets of plans. This requirement may be waived by the Building official when appropriate.

A. Additional Information: The building official may, with sufficient cause, require the following additional information:

- 1. Supplemental calculations providing definitive conclusions in the determination of sizes and minimum loading specifications for elements within buildings, structures or portions thereof.

(Ord. 2087, Sec. 1)

102.6 Section 108.2 is hereby amended to read as follows:

Schedule of Permit Fees:

- (a) Permit Fees: The fee for each permit shall be as set forth in Table No. 3-A of the Uniform Building Code 1991 Edition. All mobile home building permits for the setup of a mobile home shall have a set fee of twenty-five dollars (\$25), which includes the outside storage shed and the deck if completed within one (1) year from the permit date. The determination of value or valuation shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work, for which the permit is issued as well as all finish work, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. For the factory built structures, the determination of value shall be based the same as for a built on site structure. All permit fees are regulated by the Community Development Department. Other fees are as follows:

Decks, Fences, Docks, Driveway Replacement,	
Sheds and Minimum Building permit:	\$20.00
Temporary Occupancy fee (residential and commercial)	\$40.00
Minimum Electric permit fee (residential and general):	\$20.00
Minimum Electric permit fee (commercial):	\$40.00
Minimum Plumbing permit fee (residential and general):	\$20.00
Minimum Plumbing permit fee (commercial):	\$40.00
Minimum Mechanical permit fee (residential):	\$20.00
Minimum Mechanical permit fee (commercial):	\$40.00
Temporary Occupancy Extension fee:	\$50.00
Re-Inspection Fee:	\$30.00
Outside of normal working hours inspection fee:	\$40.00
Fee for working without a building, mechanical, plumbing or electrical permit	1/2 the permit fee or a minimum of \$20.00

(Ord. 2087, Sec. 1)

- 102.7 Section 110.3 is hereby amended to read as follows:

Temporary Occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set the time period for a temporary certificate of occupancy for no more than 30 days. If at the end of the 30 days the certificate of occupancy is not issued, then, at the building officials judgment, an extension of up to 60 days may be granted.

(Ord. 2087, Sec. 1)

- 102.8 Section 708.3 is hereby amended to read as follows:

Fire-resistive rating:

The fire-resistance rating of common walls separating attached dwelling units shall be 2 hours, constructed in accordance with Section 705, Fire Walls.

Exception:

The fire-resistance rating of horizontal common walls separating attached dwelling units under one ownership may be 1 hour.
(Ord. 2087, Sec. 1)

- 102.9 Section 1806.1.3 is hereby amended to read as follows:

Ground-Water Control:

Drain tile must be used around the entire foundation and shall terminate into a sump pump pit or open-air drainage. Drain tile shall be perforated pipe with a minimum sizing of four inches (4") in diameter. A minimum of four (4") inches of one half inch (1/2") to one inch (1") clean rock shall be installed around the drain tile or pipe. All basements shall have a sump pump pit and sump pump installed when open-air gravity drainage is not possible.

(Ord. 2087, Sec. 1)

- 102.10 Section 1805.2.1 is hereby amended with the addition of the following sentence:

Frost line in Gardner, Kansas is known as thirty-six inches (36") in depth.
(Ord. 2087, Sec. 1)

4-103 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location, or type of construction of buildings, except as may be specifically required by the provisions of this Code. (Ord. 2087, Sec. 1)